

To: Susan Arbetter[Susan.Arbetter@wcny.org]
From: Enck, Judith
Sent: Tue 1/19/2016 5:48:29 PM
Subject: News Clips (Hoosick Falls)

Hoosick Falls residents may pursue legal action over contaminated water

Troy Record

By Edward Damon

01/17/16

Hoosick Falls >> Residents concerned over long-lasting effects from drinking contaminated water are considering pursuing legal action.

Attorneys with two law firms — one with ties to well-known consumer and environmental advocate Erin Brockovitch — said they've spoken to residents about bringing suits against one or more companies believed to be responsible for contaminating groundwater with Perfluorooctanoic acid (PFOA).

Both attorneys said although high levels of PFOA was found on property owned by Saint-Gobain Performance Plastics, detailed studies are needed to find the full extent of contamination and to determine what companies would be responsible for cleaning it up.

David A. Engel, an attorney with Nolan & Heller, said many questions could be answered if two factories are added to the list of Superfund cleanup sites, which the state requested this week.

"It will be the responsibility of Saint-Gobain and its predecessors to bear the cost of dealing with the contamination," Engel, who specialized in environmental law and represents local group Healthy Hoosick Water, told the Banner Friday. "Those costs should not fall upon those who fell victims of this contamination."

Engel said his firm has taken many phone calls from residents and concerned citizens who believe the contamination caused an illness to them or family members. Individuals have also told Engel about activities at local facilities, including dumping of waste, which may have contributed to the contamination.

"We're looking into it both on personal injury grounds as well as a property value issue," said William A. Walsh, an attorney with Weitz & Luxenberg who's working on the case with colleague Robin Greenwald.

He said in addition to long-term exposure being linked to an increased chance of kidney cancer, testicular cancer and thyroid disease, PFOA contamination could result in a significant decline in

home values, anywhere from 20 to 50 percent.

Walsh said Weitz & Luxenberg became involved after residents contacted Brockovitch, who is a consultant to the firm.

The man-made chemical, also known as C8, was the subject of lawsuits against DuPont, which used PFOA in making nonstick coatings.

Last year, an Ohio federal jury awarded one plaintiff \$1.6 million in compensation on her negligence and emotional distress claims against DuPont. The plaintiff alleged she developed kidney cancer from drinking water contaminated with PFOA and that DuPont was responsible for the groundwater contamination. More than 3,500 personal injury cases arising from PFOA exposure are pending in Ohio.

In Hoosick Falls, PFOA samples from village wells exceeded the EPA's guideline of 400 parts-per-trillion for short-term exposure, which an increasing number of scientists and health officials say isn't strict enough.

Samples from beneath the 6.4 acre Saint-Gobain Performance Plastics site at 14 McCaffrey St., a property the company has owned since the 1990s, showed PFOA levels up to 40 times greater than the EPA's guideline.

It's unclear, according to EPA Regional Director Judith Enck and others who spoke at a packed meeting in the village Thursday night, when the chemical was released into the environment, how far it's spread in the groundwater and how long residents were drinking contaminated water.

The state departments of health and environmental conservation called on the EPA Thursday to place two sites on the Superfund list: The McCaffrey Street site, which lies about 500 yards away from three public wells serving some 4,500 users, and an 11.4 acre site across the Hoosick River at 1 Liberty St.

A Saint-Gobain spokeswoman said that "while the facility never produced or manufactured PFOA, the manufacturing processes at the facility did use raw materials containing PFOA."

"We are aware of the potential for litigation involving this issue, but we remain focused on working with the Village of Hoosick Falls and the appropriate state and federal government agencies to find solutions," Spokeswoman Dina Pokedoff wrote in an email Friday.

She said the company "is committed to the Hoosick Falls community" and is working with the state and village to fund a temporary and permanent filter system.

Water from the public water system should not be used for drinking, cooking, brushing teeth or to fill humidifiers, according to the latest round of recommendations from the EPA.

The EPA doesn't believe the chemical is easily absorbed through the skin, but encourages individuals to limit bathing, especially young children, the elderly and those with skin conditions or cuts. They also recommend opening a window to reduce the amount of steam people absorb.

The state requested both sites be placed on the Superfund list. The state's Department of

Health has also said it will continue testing public and private wells, as well as begin studying incidents of cancer and testing resident's blood.

To have a private well tested, email bee@health.ny.gov or call the state DOH at 518-402-7860.

or more information, visit www.EPA.gov/aboutEPA/Hoosick-Falls-water-contamination, or www.villageofhoosickfalls.com/water.

EPA to study cancer rates

Troy Record

By Edward Damon

01/15/16

Hoosick Falls >> Two state agencies have asked the Saint-Gobain Performance Plastics site, a potential source of a chemical that has contaminated the village's water supply, be among those added to the National Priorities List of Superfund sites.

The state has also called on the federal Environmental Protection Agency to lower the health advisory for the chemical, which has been linked to cancer and other diseases, and announced health officials will study cancer rates in the village and surrounding area.

The joint announcement, made by the state's Department of Environmental Conservation and Department of Health Thursday afternoon, is the latest among efforts to address perfluorooctanoic acid, a manmade, toxic chemical once used to make non-stick coatings.

It also came just hours before a well-attended meeting in the village, hosted by local group Healthy Hoosick Water.

"A very detailed study of groundwater is needed in Hoosick Falls to know what we are dealing with and how to best address it," Judith Enck, regional administrator for the EPA, told a standing-room-only crowd of hundreds in the high school auditorium.

Such an effort would take years, she said, but in the meantime, "providing safe drinking water has to be taken care of immediately."

Residents should not drink the tapwater, Enck said, until a solution is in place.

Officials say a granulated activated carbon (GAC) filter would bring the chemical "below detectable levels." A temporary filter is expected to be online by February, and a "permanent" filter by October.

Saint-Gobain has agreed to fund both projects and to continue paying for bottled water at the local Tops Friendly Market.

Enck said those who need more than five gallons a day should contact the village. She also said the company will pay to deliver water to seniors, people with disabilities and others who need it.

Residents packed the municipal building's meeting chambers Tuesday where they peppered village board members with questions. Among them, whether new wells should replace the three which lie some 500 yards from the Saint-Gobain site, where PFOA samples were 40 times greater than the EPA's recommended levels of 400 parts per trillion.

Enck told attendees that a full investigations needed to determine the full extent of the PFOA "plume" in the groundwater.

Enck said the EPA doesn't believe PFOA, which is no longer used, was manufactured in the village. But the chemical was a component of the PTFE once used at 14 McCaffrey St. and 1 Liberty St.. Both are currently owned by the Saint-Gobain Corporation and Enck said, "it's quite possible other facilities in Hoosick Falls used it as well."

Eugene Leff, deputy commissioner of the state DEC, said the request to the EPA is the first step in starting a cleanup.

"Ultimately, the vast resources of the Superfund will be available," he said.

Walter Mugdan, the EPA's regional superfund director, said "an initial sampling program" would begin in a couple of months. It's a necessary step to support the site's inclusion among the 1,800 Superfund sites across the country. A final study would determine whether there are other contaminants in the water, where the water is going from and how it's spreading.

"Based on that, we'll have to look at how we will remediate this," he said. That multi-year process could mean cleaning up the water, stopping the plume from spreading or a combination of both, he said.

Nathan Graber, director of the Center for Environmental Health said his department will continue to test residents' private wells and other local water systems.

His department will also conduct a study to examine PFOA levels in residents' blood, he said. And in response to concerns of increased rates of cancer, the department will delve deep into the state cancer registry to look at rates between 1995 to 2012, the most recent year the data is complete.

Numerous other questions were raised Thursday and speakers acknowledged the science is still developing. It's not clear whether the EPA's level is low enough.

"The EPA does not believe that skin contact with PFOA contaminated water is significant exposure," Enck said. But children or those with skin conditions, such as rashes, cuts and abrasions, should avoid long showers and baths.

"As the government agencies charged with protecting public health and the environment, it is imperative that DOH, the [DEC], and the EPA work together on a full investigation of the nature and extent of PFOA contamination and, then, on any necessary cleanup," Basil Seggos, acting DEC commissioner, wrote in a letter Thursday to Enck.

The DEC and DOH have asked the EPA to “expeditiously list PFOA as a hazardous substance.”

“We write to you because this is not just a local issue,” Seggos and DOH Commissioner Howard Zucker wrote in a letter to EPA Administrator Gina McCarthy. “The presence of PFOA in drinking water is an emerging nation-wide issue.”

The letter refers to studies which suggest “the presence of PFOA in drinking water and groundwater may be more pervasive than originally thought and may subject people across the country to PFOA exposure.”

“It’s important that you stay informed and involved,” Enck told attendees in her closing remarks. “Government needs to be transparent and responsive... [The EPA] will answer your questions, and quite frankly, we will tell you when we don’t have the answers.”

The EPA and Village websites have dedicated sections to the water issue with fact sheets, numbers residents should call to arrange private well testing and other information:

www.epa.gov/aboutepa/hoosick-falls-water-contamination and
www.villageofhoosickfalls.com/water.

DOH, DEC asks EPA to take action on Hoosick Falls water

By Casey Seiler, Capitol bureau chief

January 14, 2016 at 5:25 PM

Times Union Blog

Looking down on Carey Ave. the Saint-Gobain Performance Plastics plant is seen in the background in Hoosick Falls. (Paul Buckowski / Times Union)

The state departments of Environmental Conservation and Health want the federal Environmental Protection Agency to add the Saint-Gobain Performance Plastics Corp. plant and other possible sources of contamination in Hoosick Falls to the National Priorities List under the federal Superfund program, and investigate contamination sources.

As the TU’s Brendan Lyons reported as part of a series of stories on the situation in Hoosick Falls, the EPA last month issued a statement warning residents not to drink or cook with village water because of elevated levels of a toxic chemical, perfluorooctanoic acid or “PFOA,” that was used since the 1940s to manufacture industrial and household products such as non-stick coatings and heat-resistant wiring — including at a factory near the village water treatment plant.

The state Health Department only recently changed its stance on the safety of the village’s water: In early December, DOH handed out a “fact sheet” to residents stating “health effects are not expected to occur from normal use of the water.”

Researchers say a “probable link” exists between PFOA and a range of ailments in humans, including various types of cancer.

The release from the two state agencies came out less than two hours before EPA was scheduled to hold a town meeting with the community.

The full release from the state agencies, which oddly does not mention DOH’s recent turnaround in its assessment of the water’s safety:

The New York State Department of Environmental Conservation (DEC) and Department of Health (DOH) today called on the U.S. Environmental Protection Agency (EPA) to add the Saint-Gobain Performance Plastics Corporation McCaffrey Street Plant and other possible sources of contamination in Hoosick Falls to the National Priorities List (NPL) under the federal Superfund program and to undertake a full environmental investigation to address the sources of contamination. In addition, the state, Saint-Gobain Performance Plastics Corporation and the Village of Hoosick Falls (Village) are collaboratively working on an agreement to install water treatment systems to remove hazardous chemicals from the Village’s water supply. To view the state’s letters, [click here](#) and [here](#).

Health Commissioner Dr. Howard Zucker said, “As soon as the Department of Health was notified of the contamination, we immediately began working with all parties in a collaborative manner to gather more data on the problem and work on solutions to reduce people’s exposure to PFOA. I look forward to working with DEC, EPA and the Village of Hoosick Falls to address the sources of contamination.”

Acting DEC Commissioner Basil Seggos said, “It is imperative that all levels of government work collaboratively to protect public health and the environment in situations such as this. DOH is working to develop a long-term solution for the Village’s public water supply and we must ensure the extent of contamination is identified and cleaned up. I urge the EPA to take vigorous action on the federal level to regulate PFOA and quickly add this site to the National Priorities List so the resources of the federal Superfund program can be used to advance these next steps.”

State Calls for National Priorities Listing & Urges Federal Action on PFOA

NPL listing permits EPA to use the resources of the federal Superfund to investigate and clean up hazardous substances. Listing also enables EPA to issue an order requiring a responsible party or parties to clean up the site if that becomes necessary. The source, or sources, of PFOA to the Village’s public water system has not been confirmed. Through the federal Superfund program, all potential sources and responsible parties will be evaluated.

The state also called on the EPA to take stronger national actions to address Perfluorooctanoic acid (PFOA) contamination. In a letter to EPA Administrator Gina McCarthy, DEC and DOH requested that EPA lower its health advisory for PFOA in drinking water to take into account the most current scientific evidence and adopt a protective maximum contaminant level. This letter also called upon EPA to expeditiously list PFOA as a hazardous substance under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) to facilitate the cleanup of contaminated groundwater and other media. Further, the letter asks EPA to review the remaining uses of PFOA under the Toxic Substance Control Act and curtail them whenever less toxic alternatives are available.

DOH Continues to Monitor Water to Ensure Public Health Safety

PFOA was detected in the Village's public drinking water in 2014. Although the use of PFOA is being phased out, it is still used to make household and commercial products that resist heat, and repel oil, stains, grease, and water. This includes nonstick cookware, surface coatings for stain-resistant carpets and fabric, and paper and cardboard food packaging. Studies of people have associated exposure to PFOA with an increased risk for several health effects. This includes associations with effects on the liver, immune system, thyroid gland, cholesterol levels, blood pressure during pregnancy, and kidney and testicular cancer.

After PFOA was detected in the water supply, DOH worked closely with the Village to provide technical advice and assistance for water sampling and to evaluate water treatment options to eliminate health risks. Because the levels of PFOA in public water were higher than the EPA health advisory level, DOH determined that people should reduce their exposure by avoiding the use of tap water for drinking and cooking. In addition, DOH continues to monitor private wells and will have more results very soon.

State Undertakes Cancer Registry & Biomonitoring Studies

In response to public concern, DOH has also begun an investigation of the incidence of cancer among Village residents, using data from the DOH Cancer Registry. The agency will also offer a PFOA biomonitoring study for residents of the Hoosick Falls area. This study will measure PFOA in blood to provide information on exposure. Detailed information about the project will be shared with area residents prior to the start of the project.

DOH will continue to provide technical advice and assistance to the Village, to protect the health of the affected residents. The agency has been testing water samples since first notified of the contamination, and will continue to test private wells.

###